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DOCUMENTS

Lord Sackville's Papers respecting Virginia, 1613-1631, II.

C. CONCERNING THE TOBACCO CONTRACT.

IN this division of Lord Sackville's papers relating to the early history of Virginia, the first place belongs to a group of documents exhibiting the successive stages by which the contract for the exclusive importation of tobacco by the Virginia and Somers Islands companies came into its final form.

On July 3, 1622, in a "Great and General Quarter Court" of the Virginia Company, a series of propositions concerning the proposed contract was agreed upon. These propositions, seventeen in number, were entered in the company's records, and their text is to be found there (*Records of the Virginia Company*, II. 85-88). Of this draft there is a copy among Lord Sackville's papers, no. 6158. It is marked in red ink as "No. 3", that number referring to the series, numbered from 1 to 21, spoken of (and perhaps so numbered) by Dr. Peter Peckard, *Memoirs of Nicholas Ferrar*,¹ as has been mentioned in the introduction to the first installment of these papers (pp. 493-495, *supra*). Since this document agrees entirely with that which is printed in the *Records* of the Virginia Company under date of July 3, it is not necessary to print it here.

On July 17, in an ordinary court of the Virginia Company, Sir Edwin Sandys reported that the Somers Islands Company, in their Great Quarter Court held on July 10, had given their consent to the proposals which the Virginia Company had accepted the week before, with the exception of article 5, relating to customs dues. That article had provided that, instead of the levy of sixpence a pound on roll tobacco and fourpence a pound on leaf, the companies should pay in each of the three years of the contract a sum equal to the average of what had been due, under the rates named, in the seven years preceding. To this the Somers Islands Company demurred, preferring to pay the existing duty on the quantities actually brought in, and arguing also that such an arrangement would make the customs officials more vigilant to prevent the bringing in of Spanish tobacco by interlopers than if they were sure in advance of all that they could anywise get. "Whereupon", say the *Records* of the Virginia Company,²

¹ Pp. 156-165.

² *Records*, II. 98.

it beinge taken into consideration whither an Inferior Court had any power to alter that w^{ch} was so solemnly ratified by a Quarter Court it was resolved it could not, but withall they held it fitt to signifie to my Lo: Treasurer and certifie by waye of Declaration of their perticular opinions that they conceived the Summer Ilands Companie for many substantiall reasons had taken the better course, and therefore the Companie of Virginia would not oppose the drawinge up of the Patent accordinge to the desire and resolucion of the Summer Ilands Companie, not doubting but if the next Quarter Court for Virginia should not approve thereof they shall entreat his [ordshi]p their first order may Stand.

No. 6159 of Lord Sackville's papers, marked "No. 4" in red ink, is a version of the proposals for the contract in the form in which they were agreed upon by the Somers Islands Company on the occasion above described. It differs only in article 5 from that which was adopted by the Virginia Company and which is printed in its *Records*. Therefore it is not thought necessary to do more here than to print its heading and fifth article, under no. XLI., below.

In an ordinary court held on November 6,³ Sir Arthur Ingram reported that the Lord Treasurer wished to stipulate that all the Spanish tobacco brought in by the companies should be of the best Varinas. To this amendment the two companies somewhat reluctantly consented. In a general quarter court held on November 20,⁴ it is reported that the Lord Treasurer wishes also to omit article 9, which related to the fixing of prices, to provide in article 8 that in case the companies could not bring in 80,000 pounds of Varinas in the first two years, they might have the third year for it, and to make provision for the case that the Spanish government should alter its rates and regulations respecting the export of Spanish tobacco. To the first two of these modifications the companies agreed; the last was referred to an ordinary court held on November 22, at which Lord Southampton presented a new article (a new article 9, we may call it) as a substitute for the latter part of the original article 8, and dealing with the effects of possible changes of system by the Spanish government. Its text is printed in the *Records* of that day, which then goes on to state as follows the action of the court respecting it:⁵

Wherefore esteeminge of this bargaine (as they were advised by a noble and Hono^rble person) not as good meat well sawced but of a porcion necessarie for their health, beinge willing (as his lp: said) devorare molestiam of this bitter pill, they desired the Ea: of Southampton to put it to the question: Whereupon the Article by erection of handes was confirmed and approved accordingly as it was read.

Nevertheless the contract was held in suspense for a time, signed

³ *Ibid.*, II. 121.

⁴ II. 138-140.

⁵ II. 142-143, 144.

again by Middlesex on February 12, discussed further by the company in March and April, and finally abandoned by the Privy Council by vote of April 28.⁶

Light is cast on all these transactions by the third copy of the contract found among Lord Sackville's papers, no. 6162 ("No. 8" of Peckard's enumeration). It is a copy of the propositions printed in the Virginia Company's *Records*, endorsed in the hand of Richard Willis "Examined and noted by my Lorde", and bears in the margins a number of comments indicating the amendments which the Lord Treasurer meant sooner or later to secure. These comments are given, under no. XLII., below, in a form which it is hoped will be intelligible to anyone having before him a text of the original propositions as printed in the company's *Records*.

No. XLIII., below, the fourth of these versions, doc. no. 6166 (marked "No. 12" in red ink), presents the text of the propositions as finally agreed upon and as signed by Middlesex. A fifth version, no. 6194, differs from this only by the omission of a few words which Middlesex had at the last indicated to be omitted, and in the addition of a record of the company's action, which we have included at the end of no. XLIII.

The other papers are for the most part incidental to these, or mark various stages in the conflict respecting the tobacco contract and the alternatives proposed for it, though the absence of dates from most of them makes it difficult to give them a satisfactory order of arrangement, and the provenance of several remains obscure. In general terms, however, it may be said that the next two pieces, nos. XLIV. and XLV., are documents made in explanation or pursuance of the contract; that the five which ensue, nos. XLVI.-L., are documents proposing alternative arrangements, advanced during discussions on the terms of the contract or during its suspension by the Lord Treasurer and Privy Council; that nos. LI. and LII. are pronouncements hostile to the contract and no. LIII. a reply to the second of them; and that nos. LIV.-LVI. are papers consequent on the dissolution or impending dissolution of the contract.⁷

⁶ *Records*, II. 264, 335-340, 353-357, 365-372, 392; *Acts P. C. Col.*, I. 61. But see nos. LIV. and LV. and notes, below.

⁷ The documents which Peckard noted as among the papers of the Duke of Dorset may be identified as follows:

His no. 1 is in Peckard, p. 162;

No. 3 (the present no. 6158) is in *Records*, II. 85-88;

No. 4 is in part given in our no. XLI.;

No. 6 is our XLVII.;

No. 7 is our XXIX., in the previous installment;

Much the best account of all this matter of the contract for the sole importation of tobacco is that of Professor William R. Scott in his *History of Joint-Stock Companies*.⁸

XL. PROPOSITIONS OF THE SOMERS ISLANDS COMPANY, JULY 10, 1622.⁹

Propositions agreed on by the Governor and Company for the Summer Ilands in a generall Quarter Court held on Wedensday the 10th of July touchinge a Contract to be made with his Majestie for the sole importation of Tobacco between them and the Virginia Company. . . .

5. The companie for the Summer Ilands are contented to pay the usuall custome of vi *d.* the pound waight for roll Tobacco and 4 *d.* for leafe for their two third partes duringe the time of this contract and his Majestie in like sorte to paye for his third parte: But they desire his Lordship to be pleased that they may have the allowance of 5 *li.* per centum as is usuall in other marchandizes with reasonable care Tobacco beinge a perishinge commoditie, and besides to graunt unto them vi moneth's time for payment of the said custome.

XLII. NOTES OF THE LORD TREASURER ON THE PROPOSITIONS,
JULY-OCTOBER, 1622.¹⁰

[*Against article 4, concerning customs duties.*] It is not intended the garbling of tobacco should be exempted but the companies and Patentees¹¹ to make agreement if they cann, otherwise the Lord Treasurer to order it. [The proviso with which this article ends, that the companies shall not be constrained to import any more tobacco from the two plantations than they think fit, is struck out, and this note follows.] This which is strooke out shall not need to be mentioned one way nor other in the Letters Patents; but it is expected there shalbe reall and honest dealing as hath bin promised.

No. 8, its marginal notes rather, is our XLII.;

No. 9 is our LI.;

No. 10 (the present no. 6164) is in *Records*, II. 325-327, and in Peckard, pp. 164-165;

No. 11 is our LIV.;

No. 12 is our XLIII.;

No. 13 is our LIII.;

No. 15 is our VI., in the first installment;

No. 16 is our XXXVIII.;

No. 17 is our XLIX.;

No. 18 is our XXIXa., in the first installment;

No. 19 (the present no. 6172) is a court record in *Records*, II. 121;

No. 20 is our XLV.;

No. 21 (the present no. 6174) is in Peckard, pp. 157-159.

⁸ II. 272-283.

⁹ From no. 6159, marked "No. 4" in red ink.

¹⁰ From no. 6162, marked "No. 8" in red ink. Cf. the propositions in *Records*, II. 85-88. These notes must be of an earlier date than the statement of Middlesex's position made *ibid.*, II. 121, Nov. 6, 1622.

¹¹ Those who had the patent for garbling; see p. 526, note 108.

[*Against article 5*, relating to the commutation of customs, there is an index-hand, no doubt to call attention to the alternative proposed by the Somers Islands Company, with the additional remark:] It must be provided that it be transported within the compasse of one yeare, as other goodes of the like nature.

[*Against article 7*, providing for the appointment of a consignee by the companies, they to have the sole management of sales and to account to the king:] The company to name one officer, and it is just the Lord Treasurer for the King name another about the tobacco only. The Account to be made up halfe yearely and within 40 dayes after the money to be paid in to the Exchequer.

[*Against article 8*, respecting the bringing in of 40,000 lbs. of Spanish tobacco in each of the first two years:] Although it be expressed in this kinde in the grant, yet it must be provided collaterally that this clause shall not worke to the prejudice of the Kinge, but that there shalbe 40000 weight of the best Verinus Tobacco¹² brought in for the first two yeares, Except the companies shall make it appeare that by some act of State in Spaine, there is course taken so to inhaunce the price that it is not fitt to be brought in.

[*Against article 9*, respecting the fixing of prices, is an index-hand, the Lord Treasurer, as mentioned in the introduction above, objecting to this article.]

[*Against article 13*, respecting the sharing of confiscations and penalties.] This to be confirmed according to Mr. Porters Patent¹³ that his Majestie may make noe defalcacion.

[*In article 14* the Lord Treasurer has underlined, as deserving to be omitted, the provision for a similar division of tobacco confiscated between this July 3 and Michaelmas next, but has added the note:] The last part of this article to stand [*i. e.*, the provision that such confiscated tobacco should be sent out of the realm to be sold elsewhere].

[*Endorsed:*] Propositions for the sole importacion of tobacco agreed on in a quarter court held for Virginia the 3 of July 1622.

[*And, in the hand of Richard Willis:*] Examined and noted by my Lorde.

XLIII. THE COMPLETED CONTRACT, NOVEMBER 27, 1622.¹⁴

Propositions agreed on by the Lord Highe Treasurer of England and the Companie for Virginia and the Summer Ilands touching the sole importation of Tobacco.

1. That the sole importation of Tobacco into the Realms of England

¹² Tobacco of Varinas (Barinas) in western Venezuela.

¹³ Grant to Endymion Porter and Richard Peate, Dec. 30, 1618, for seven years, of all fines for non-payment of subsidy and for importation and exportation of prohibited goods. *Cal. St. P. Dom.*, s. d.

¹⁴ No. 6166, marked "No. 12" in red ink; summarized in Peckard, *Memoirs of Nicholas Ferrar*, pp. 160-161. In a meeting of the two companies on Nov. 27, 1622, it was announced that the Lord Treasurer had signed the contract (in the form here presented) after striking out certain words in the seventh article, whereupon the contract was agreed to by the companies, with no dissenting voice. *Records*, II. 147, 148, 157. In a meeting held on Feb. 12, 1623, it was announced "that the Contract which had so long hunge in suspence was nowe

and Ireland be granted by his Majestie's Letters Patents under his great Seale to the Companys for Virginia and the Summer Ilands.

2. That his Majesty by proclamation inhibit all others under payne of confiscation of their Tobacco and his Majestie's highe displeasure.¹⁵

3. That likewise the planting of tobacco in England and Ireland be forbidden by the said proclamation under a grevous penalty.

4. In consideration whereof as also for that the Companies shall be discharged from all other payments for Tobacco during their term to his Majesty excepting only the ancient Custom sett down in the printed Booke of Rates¹⁶ of Sixpence per pound for Roll Tobacco and fowre pence for leaf, The Companies shall pay to his Majesty whatsoever shall arise out of the Sale of a full third part of all the Tobacco that shall be yearly imported into either of these two Realms whether the same be afterwards vented within the said Realmes or in any other place whatsoever.

5. The Companies are content that his Majestie bee disburdened from all payments for the freight of Tobacco imported from the Two Plantations or from any other forraigne parts into either of these his Realmes. But his Majesty to covenant that after the first arrivall of the said Tobacco from either of the said Plantations or other forraigne Dominions, to bear one third part of all charges whatsoever incident to the said Tobacco aswell for the custom and subsidy landing carying and howsing thereof, as also for the keeping tending curing and sorting of the same: and likewise for the transporting it, whether by Sea, freshwater or land into divers parts of either of these his Realmes or any other place there to be sould and distributed. Also that his Majesty beare a full third part of all Salaries due to Officers Factors and Agents, and to all other Ministers and Servants to be employed in any sort within either of these Realms about the said Tobacco or other busines whatsoever incident to this Contract only, which Salaries to be appoynted and sett downe by the said Companies in their generall Coorts where and by whom likewise the said Officers Agents Factors Ministers and Servants shall be chosen. And likewise that his Majesty beare one third part of all costs and charges in Suits of Lawe for any matter of buisines concerning the said Tobacco or for recovery of any Debts from thence arising. And finally for all other charges whatsoever after the arrivall of it in either of the Kingdoms of England or Ireland necessary or convenient for the well ordering of the said Tobacco and for making the best profit to the use of his Majestie and the Companies aforesaid, Freight excepted as aforesaid.

again sent signed by the Lord Treasurer without any alteration at all from that which was formerly agreed on by the Quarter Courtes", but that he desired to delay for three or four months the issue of the proclamation provided for in article 2. *Records*, II. 264-265. This document, it will be seen, bears the signature of Middlesex and both dates. The words which Middlesex in November desired to eliminate from article 7 are underlined, and are here printed in italics. Another copy, no. 6194, omits these words but is dated Nov. 27, 1622, and ends with the record, given below, of the action of the companies on that day.

¹⁵ This proclamation was never issued. Middlesex, Feb. 12, 1623, "for some waightie reasons, no waye prejudiciall for the Companies" desired it might be respited for three or four months, promising however that he would write at once to all ports such letters as would have the same effect (see XLV., below); to this the companies reluctantly agreed, provided the issue of the proclamation were not deferred beyond June 20. *Records*, II. 265-266.

¹⁶ The *Book of Rates* of 1611.

6. That the Tobacco to be brought in be consigned all into one hand viz: of such Officers as the said Companies shall appoynt: And that the said Companies have the sole menaging of the said Sale of Tobacco, Yielding unto his Majestie a true and perfect account thereof every half year viz: our Ladie day and Michaelmas or within Ten dayes after, The first account to be made at our Ladie day next, and paying the cleer profit received¹⁷ which shall growe due unto his Majesty unto such as the Lord Treasuror and the Chancelor of the Exchequer shall appoynt to receive the same within Ten dayes after the said account, In which account all the said charges to be allowed and defalked as aforesaid.

7. The Companies will be contented *to be restrayned from the bringing in of any Spanish tobacco above the quantety of Sixtie Thousand weight a year, and to be tied likewise by covenant*¹⁸ for the bringing in of fortie thousand weight of the best Varinaes Spanish Tobacco in each of the first two yeares of this contract And if the best sort of Varinaes Tobacco can not be convenyntly provided in the said two first yeares, that then so much as shall want of 40000 weight in each yeare shall be supplied in the third yeare, So that the full quantety of fowre score Thousand weight in the whole be made up in the sayd three yeares. And this Covenant for the bringing in of Spanish Tobacco to be of force untill the said 80000 weight be brought in and no longer.

8. And it is desired that an indifferent covenant be drawne up by his Majesties Learned Counseil and the Counseil for Virginia and the Summer Ilands, that in case an extraordinary charge shall have been layd upon the said Varinaes Tobacco by the State of Spaine since the feast of St. Michael the Archangell last past, beeing the time whence this Contract is to have beginning, or hereafter shall be layd during the time of three yeares from thence next ensueing more then was at the said Feast of St. Michael last past: In such case, the company shall be cleerly discharged of their said covenant of bringing in of Spanish Tobacco from the time the said extraordinary charge shall be layd untill it be reversed. And after the reversing thereof, the quantity of the best Varinaes Tobacco, which shall then remayne unbrought in of the said fowre score Thousand weight, shall be brought in within the compas of the first three yeares which shall be or have been cleer from the said extraordinary charge, to be computed from the beginning of this Contract. And in case there appeare any practise by the marchants of Spaine or others by meanes whereof the said Companies can not make their provisions of the said quantity of the best Varinaes Tobacco as they have agreed unto but to their excessive charge, In such case the Company not to be pressed upon the said covenant in extremity; but to make his Majesty such satisfaction as shall be just and conscionable. But if by the practise fraud or negligence of the said companies their Factors or Deputies, the said quantity of 80000 weight of the best Varinaes Tobacco shall not be imported within the compas of the said first three yeares, Then the said Companies shall be answeareable to his Majesty for every pound weight so wanting of the said Varinaes Tobacco belonging to his Majesty's Third, after the rate of Ten shillings the pound weight.

¹⁷ The Virginia Company had inserted this word "received", and Middlesex had acquiesced. *Records*, II. 148.

¹⁸ The words italicized are those to which Middlesex objected and which the companies consented to omit. *Ibid.* No. 6914 reads, "7. The Companies will be contented to be tied by covenant", etc.

9. It is likewise desired that for recovery of all such Debts as shall from time to time growe due to the Companyes by occasion of this Contract, The said Debts may be assigned over unto the King when and so often as need shall require.

10. They likewise desire that there may be incerted in the Contract a Grant and Covenant from his Majesty against the granting of Licenses to Retailors of Tobacco: So that the sale thereof may remayne free, as hetherto it hath doon.

11. That his Lordship be pleased to take a strict coorse for the preventing of all undue bringing in of Tobacco by other meanes.

12. That all confiscations and other penalties upon this Contract be divided into three parts: The one part to his Majestie's use, the other to the Companye's, the third to the Informers, not prejudicing any former Grants already made by his Majesty.

13. That this Contract beginne at Michaelmas 1622 last past, and continue for the space of Seven yeares.

14. That his Majesty's Grant may be drawne and construed in most beneficiall manner for the Companye's behoof, and for the advancement of the said Plantations, his Majesty's profit as aforesaid reserved: wherein the Companies are to covenant to carrie themselves fairlie according to the true intent of the bargain.

November 27th, 1622.

MIDDELSEX.

[Endorsed:] The contract for the sole importation
of tobacco Signed by my lord the 12. February 1622.

In another copy of the same document (no. 6194) article 14 is followed immediately by this continuation:

These propositions having been often tymes deliberately treated on by the companies for Virginia and the Sumer Ilands in their generall Courtes: were lastly with generall consent approved and concluded in a great and generall Quarter Courte held by the company for the Sumer Ilandes on Wednesday the 27th of November, 1622. As likewise in a great and generall court held extraordinarily by the Company for Virginia at the same tyme and appointed by the last Quarter Court for the said Companie for Virginia to joyne with the said Quarter courte of the said company for the Sumer Ilands in a finall conclusion concerning the said Propositions. There being present at the said Courtes the Right Honorable Henry Earle of Southampton, Treasurer of the company for Virginia,¹⁹ William Lord Cavendish, Governor of the Company for the Sumer Ilands,²⁰ with sundrie other Lordes, Knights, Gentlemen, Marchantes and other good cittizens, who with unanimous consent did allowe of and ratifie the said Propositions no one dissentinge.

ED. COLLINGWOOD, Secre.²¹

[Endorsed:] The Contract for the sole Importation
of Tobacco, 27 November 1622.

[And by Willis:] The Articles for Tobacco.

¹⁹ Henry Wriothesley (1573-1624), third earl of Southampton, Shakespeare's patron, treasurer of the Virginia Company from June 28, 1620, to its dissolution in 1624.

²⁰ Afterward (1626-1628) second earl of Devonshire; governor of the Somers Islands Company from April, 1622, to April, 1623. Lefroy, *Memorials of the Bermudas*, I. 286, 298.

²¹ Secretary of the Virginia Company from June 28, 1620 (*Records*, I. 386), till its dissolution.

XLIV. LORD CAVENDISH'S ESTIMATES OF THE WORKINGS OF THE CONTRACT.²²

[A] The Contract not standinge
The Planter computes thus

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Having by my labour attayned 3 pound of Tobacco to have the benefit thereof returned me I must first pay for fraught into England	0	1	0
Then I must pay for Custome at 6 <i>d.</i> per pound	0	1	6
Then I must pay for Impost at 6 <i>d.</i> per pound	0	1	6
Total	0	4	0
Then I shall sell my Tobacco at the rate found hitherto by experience of 2 <i>s.</i> 6 <i>d.</i> per pound one with another which for 3 pounds is	0	7	6
Out of this deductinge my charges above reckoned of 4 <i>s.</i> there will remayne to be returned me for my labour, and to-wardes my mayntenance for 3 pounds	0	3	6

[B] The Contract standinge
The Planter computes thus

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Havinge by my labour attayned 3 pound of Tobacco; to have the benefit thereof returned me I must First pay for fraught into England	0	1	0
Then for 2/3 of Custome	0	1	0
Then for the raying of that somme of 2500 <i>l.</i> towarde house and rent charges, salaryes and extraordinary occasions for my 2/3	0	0	6
Total	0	2	6
Then by vertue of the sole sale I hope to sell my 3 pound of tobacco for 4 <i>s.</i> a pound at the least which will be	0	12	0
Out of this 12 <i>s.</i> deductinge his Majestie's third, being 4 <i>s.</i> , and the 2 <i>s.</i> 6 <i>d.</i> charges above reckoned, there will remayne to be returned me for my labour towarde my mayntenance	0	5	6

So that comparatively the contract will be better to me then if there were no such contract by 2 *s.* in every three pound of Tobacco.

Also to say absolutely this will be sufficient for me to live on being 22 *d.* a pound for my Tobacco which to prove I urge this that if Tobacco in Spayne may be sold for a Ryall²³ a pound, the Planter of it in the Spanish Plantations would be fowre fold in worse case.

[c] Touching his Majesties profit, I compute thus

The ordinary quantity of Tobacco imported into England of all sortes (according to a medium computed out of the Customer's bookes) hath bene about 200,000 weight which at 6 *d.* per pound Custome, and 6 *d.* per pound Impost comes to 200,000 shillings which is 10000 *l.*

²² No. 6181. The calculations here designated in brackets as *A* and *C* are written on the left-hand side of large sheets, those designated *B* and *D* on the right-hand side, opposite them, for comparison.

²³ Real, one-eighth of a dollar.

Admitting that by vertue of the order to be taken for importing of all the Colony's Tobacco, there shall come in 400,000 weight of Tobacco from all partes which is the greatest quantity mentioned by Sir John Worstenholme,²⁴ yet this comes but to

20000 l.

And even thus it is short by above 3000 l. of the profit his Majestie shall have by the contract and liberty of importation.

[D] Touching his Majestie's profit I compute thus

For the 2 first yeares:

If 200,000 weight of Tobacco be brought in, there must be for the first 2 yeres be brought in 40000 weight of it in the best Spanish Tobacco, the rest being Colony Tobacco will be 160,000 weight.

His Majestie's 3 d. of the best Spanish tobacco at 16 s. a pound will be

l. s. d.

10666. 13. 4

His Majestie's 3 d. of the 160,000 weight of Colony Tobacco at 4 s. a pound will likewise amount to

10666. 13. 4

His Majesties custome for our $\frac{2}{3}$ still reserved on the whole quantity brought in at 200,000 weyght comes to

3333. 6. 8

Total 24666. 13. 4

If lesse come in the price will be greater and so the King's profit will be held up in the price equivalent.

For the rest of the time:

For the rest of the time after, if no Spanish Tobacco at all be brought in, then the Colony Tobacco will beare the price of 6 d. a pound whereby his Majestie's 3 d. of the 200,000 weight will be

20000 l.

which with the foresaid $\frac{2}{3}$ of custome still reserved being 3333 l. 6 s. 8 d. make

23333. 6. 8

[Endorsed:] Computation of the planter which serves also for the Adventurer or freeholder. [Also, in Cranfield's hand:] Concerning Planting Tobacco: Received of my Lord Candish.

XLV. DRAFT OF LORD TREASURER'S WARRANT.²⁵

After my hartie Comendacions. Whereas his Majestie hath beene graciously pleased in favour of the Plantaciones of Virginia and Summer llands to enter into Contract with the Companies for the saide Plantaciones for the sole importacion of Tobacco from Michaelmas last paste for and duringe the tearme of seaven years thence next ensuinge, by

²⁴ See p. 538, note 144. The allusion is to remarks of Wolstenholme quoted in *Records*, II. 32.

²⁵ No. 6173, marked "No. 20" in red ink. The draft seems to have been prepared, probably by a committee of the company (*Records*, II. 162), in pursuance of the Lord Treasurer's promise mentioned in note 15 above; it has been corrected and there are six fair copies annexed.

which contract itt is ordered that all Tobacco that shalbe brought into this Realme duringe that tearme shalbe first consigned into the hands of the saide Companies: Theis are therfore to will and require you on his Majestie's behalfe that imeadiatlíe from and after the receipte of these presentes you forbear in that Porte and all other places within your chardge search and veiw to take any entry of Custome for Tobacco there to be landed butt that if such Tobacco be brought from either of the saide Plantaciones you take a coorse for the safe and speedie sending up of the same to the Porte of the City of London ther to paie the Custome due for it and to be consigned into the Companies accordinge to their saide Contract,

Which Companies shalbe accomptable to the owners of the saide Tobacco for the full profitth therof accordinge to the Articles of the saide Contract And in case any Tobacco of the growth of either of the saide Plantacions have beene allredie brought in since Michaelmas last that you forthwith send notice therof to the Governors or their Deputies of the saide Plantacions resydinge in London, wherein you are to expresse the quantitie of the same, what sorts itt was of and by whome itt was brought in. And if any Tobacco not of the growth of one of the saide Plantacions since Michallmas laste paste have bine or shalbe brought in during the time of the saide Contract that you seaze the same to the use of his Majestie and such others unto whome the forfeiture thereof shall appertaine, And in case the saide seazure shall have formerlie beene neglected that yett you make due certificate to the saide Governors and Deputies as well of the severall owners and quantities of the said Tobacco as of all other particularities therto belonginge. And generally you and everie of you are straightlie charged and commaunded on his Majestie's behalfe as you will answer all neglects therin at your perill to have a vigilant care over this matter of Tobacco that nothinge be done committed or suffered prejudiciall to the saide Contract (of the generall clauses wherof you shall hereafter have more particular notice) beinge a matter soe greatlie concerninge his Majestie's profitth and the advancement of the saide Plantacions which are no lesse deare unto him. And soe I bid you farewell.

[*Endorsed.*] Draught of a letter to the Ports concerning Tobacco.

XLVI. ARGUMENT FOR A MONOPOLY.²⁶

Reasons to induce his Majestie to assume to himselfe and grant the sole importation of tobacco.

It is out of question within the true limitts of his Majestie's prerogative utterlie to prohibite the importation of any newe uselesse or forraigne comoditie, that any way either is hurtfull to the comon wealth in generall or wastfull to his subjects in particuler.

Secondly of any such as is neither fitt for the necessities of man's life in meate or cloathing, nor for the good or strength of the kingdome and in the strictest judgments of Parliamentes matters of great necessity have bin deposited unto the wisdom of the King untill an other Parliament²⁷ bycause many thinges may happen betweene which could

²⁶ No. 6186.

²⁷ Alluding no doubt to the manner in which King James's sudden dissolution of the Parliament of 1621 interrupted action on monopolies.

not absolutely bee provided for, and if his Majestie may utterlie prohibite consequentlie hee may bound the same either in quantitie or to particuler persons.

It is evident in this case of Tobacco that by the excessive abuse thereof the quantitie imported is so great that it equaleth or exceedeth most sorts of Spices and it must bee bought either for our English comodities or for money, the value of both which are utterlie consumed and the kingdome so much yearlie by it impoverished, and this abundance hath so raised the price that for the same quantitie trebble the price is wasted to buy it in, that was usuall in former yeares.

To prevent which, seeing his Majestie in his wisdomes hath not thought it fitt, utterlie to banish this stranger, the next consideration is, how to abate the price beyond the seas, that lesse in substance may furnish the kingdome, and so necessarilie the price will fall lower within the kingdome, and much of the generall wast and of the particuler wilbee prevented.

There are two causes that in these later yeares have rayzed the forraigne price of Tobacco; one by a combination of the stranger to ingrosse all into the handes of a Companie whereof the chiefe is called Ferdinand Lopez d'Acosta which hath bin two yeares practised and is well knowne to all the Tobacco buyers to their cost and damage, who have, and as yet determine to hold upp or advance the price of that comoditie to the losse of this Kingdome.

The seaconde cause is the eager forwardnes of these buyers of Tobacco that upon the first noise of a parcell runne beyond the seas, and if they can not carrie money do fitt themselves, with English comodities proper for Spaine and such as the Spanish marchant chieflie dealeth in, and there to prevent any other selleth his goodes at 15 or 20 per cent losse to the abasement of our owne English staple comodities and to the ruine of the Spanish marchant, as is evident by the complaint and petition of the said Spanish marchants, and this straggling buyer can make himself whole by selling his weede at home at his owne pleasure. The Spanish marchant cannot reforme this abuse unlesse they were made a companie, which as wee are informed his Majestie is tender to doe, having bin dissolved by Parliament,²⁸ and at the best hand, if the Spanish marchant have mony in specie which he would sende over, this Tobaccoist will give him so much profit upon exchange, as he will never adventure it in kind.

By the sole importation of Tobacco it is projected to meete with both those abuses, and to hold the stranger to the first moderate price of 6, 7 or 8 Rialls the pound, or as neere as they can, and by a joint stocke made heere at home and factors kept abroad either by exchange from Antwerpe or by sale of our owne comodities to their true value to furnish the said Tobacco at a third part of the price it hath lately cost into the kingdome whereby the greatest wast wilbee prevented, the Bullion of the marchant not intercepted, no silver exported, the Spanish marchant disburthened of those stragglers and their abuses, and in all probabilitie the comoditie sould in grosse cheaper, and the particuler spender thereby eased and his Majesties revenewe increased to a good value and to a certaintie.

²⁸ For the action of the Parliament of 1621 against monopolies see Gardiner, *History of England*, IV. 125, 140.

XLVII. ARGUMENT FOR A FREE TRADE.²⁹

Reasons why a free trade for Tobacco wilbee more benifitiall unto his Majestie then the sole Importacion to bee graunted unto any particuler Company.

First, it appeareth that the tobacco vented in this Kingdome is yearly at leaste 300,000 *lb.* weighte which beeing devided the one halfe to bee Spanish Tobacco and the other halfe Virginia and Bermudos Tobacco, the Custome and Impost therof is for Spanish Tobacco ii *s.* per pound and for Virginia xii *d.* per *lb.* at which rates it doth arise unto 22,500 *li.* per annum.

Secondly, it is apparant that the Plantacion in the West Indies is soe greatly increased and the Plantacion of Virginia and Bermudos doth so much augeмент that the Tobacco wilbee soe abundantly brought in and the prices soe base that the third parte his Majestie is to have will never yeilde so much yearly as the Impost and Custome will come to.

Thirdly, for that it is very honorable for this nation to advaunce the Sale of Virginia and Bermudos Tobacco, I doe verely thincke that if his Majestie would bee pleased to restraine the West India or Spanish Tobacco and to cause the Virginia and Bermudos Company to importe all the Tobacco that shalbee laden from thence into the porte of London beinge the cheife porte of this Kingdome the like president beeing usuall in all foraigne plantacions whereas Spanish Tobacco doth pay ii *s.* per pound unto his Majestie for Custome and Imposte, to take of Virginia and Bermudos tobacco but xviii *d.* per pound it would bee much better for the planter and more profit unto his Majestie for within one yeare it cannot yeild lesse then 20000 *li.* per annum but is likely to bee much more and the planter will yearly make his Tobacco the better to increase the price.

Lastly, if for some reasons of State³⁰ the Spanish Tobacco maye not bee prohibited then a freedome of Trade wilbee best and most proffitt unto his Majestie for the meanest sortes of Spanish Tobacco doth paye unto his Majestie ii *s.* per pound and the Virginia and Bermudos but xii *d.* per pound soe that they are able to undersell the meaner sortes of Spanish Tobacco xii *d.* in a pound and in truth it is found by experience that the Tobacco of Virginia and Bermudos doth vente much better then the meaner sortes of Spanish tobacco, soe that I verely thinck fewe will attempt to bringe meane Tobaccos out of Spaine for that they knowe beforehand that the Virginia and Bermudos is both better and will sell deerer.

[*Endorsed by the Lord Treasurer:*] Reasons wherfore the Sole Importation and imposition upon Tobacco should not be graunted in Farme

XLVIII. PROPOSALS RESPECTING A MONOPOLY OF SPANISH TOBACCO.³¹

Artycles of agreement betwixt his Majestie and the undertakeres tuchinge the solle Importation of 40 m.³² waight of Spanyshe Tobacco in to his Majestie's dominions of England and Wailes.

²⁹ No. 6160, marked "No. 6" in red ink.

³⁰ *I.e.*, because of King James's *penchant* toward a Spanish alliance.

³¹ No. 6185. If the contract for the sole importation of Spanish tobacco were not accepted by, or entrusted to, the Virginia Company, it might be undertaken by others. "If there was a necessity, that a certayne quantity of forraigne Tobacco must be brought, it was all one to the Plantacions, whether it were in the Companies or others handes." *Records*, II. 343 (Apr. 2, 1623).

³² Forty thousand.

1. Fyrst thatt a proclamation bee graunted from his Majestie thatt in regard of the benefytt and welfare of the plantation of Virgine and Barmodos his Majestie hathe assumed unto hym selfe the sole importation of 40 m. waight of Spanyshe tobacco, apointinge 2 parsons³³ for his agentes for the managinge of the said buysnes forbodinge al others to importte with powre and atorety³⁴ to serche accordinge to the last patentes which was graunted to Sir Thomas Rooe and Company.³⁵

2. Thatt Virgine and Barmodos Tobacco be fyrst sealed with suche a seale as his Majesty shall apointe.

3. Thatt the Spanishe Tobacco continewe sealed with the seale graunted by his Majesty to Sir Thomas Rooe.

4. Thatt all Tobacco which is found unsealed within his Majesties dominions of England and Wailes after suche a tyme be confiscated or loste, thone³⁶ moyety to his Majesty and the other parte to the Seasor or informer.

5. Thatt the Virgine and Barmodos company with his Majestie's agentes of the Sole Importation of Spanyshe Tobacco agre and accorde together towards the charge of kepinge forthe, and serching of all forraine tobacco which may be brought in be stelthe, theone moyty of the forfeitures of the kinge's partte to be for his Majestie's agentes and the other partte for the Vergine and Barmodos company.

6. Thatt the seales be kept in the custody of the kinge's agentes of the sole importation of Spanyshe Tobacco. Tuchinge the rest of artycles of agreement the undertakeres refere them selffs to the consideration of Majesties larned Counsell in Lawe.

The undertakers will give and pay unto his Majesty for the sole importation of 40 m. waight of Spanishe Tobacco the some of 5000 *l.* per annum for a Patente to continewe for 3 yeares under the great seall of England. And also pay unto the graund Farmers³⁷ 6 *d.* per pound for 40 m. waight of Tobacco.

[*Endorsed:*] Articles touching the sole importacion of 40000 weight of Spanish Tobacco etc.

XLIX. OFFERS FOR THE FARM OF SPANISH TOBACCO.³⁸

Farm of Spanish Tobacco.

J.S. doth humbly offer unto his Majestie for the farme of the Sole Importacion of Spanish Tobacco, and to bee bound to bringe in yearly 40,000 *lb.* waighte and not in any yeare to exceede 60,000 *lb.* waighte As also for the Impost or increase of Subsidy of vi *d.* per pound paid for the Virginia and Bermudos Tobacco Imported As alsoe that all the Virginia and Bermudos Tobacco bee broughte into this kingdome And to take the same for seaven yeares uppon such Condiciones and as by Councill on each parte shalbee reasonable.

³³ Persons

³⁴ Authority.

³⁵ See p. 525, note 106, and p. 528, note 115.

³⁶ The one.

³⁷ Of the customs.

³⁸ No. 6170, marked "No. 17" in red ink; partially quoted in Peckard, *Memoirs of Nicholas Ferrar*, p. 166.

In Consideracion wherof the said J.S. will give unto his Majestie 10,000 *li.* per annum vizt. the vi *d.* per pound uppon Virginia and Bermudos Tobacco to bee collected unto his Majestie's use yearly And at the yeare's ende whatsoever the said vi *d.* per pound fauleth shorte of 10,000 *li.* the same to bee made up by the Contractors and to bee paid into his Majestie's receipte within 40 dayes after every yeare's ende, Dureinge the tearme of seaven yeares.

J.S. doth further in all humblenes offer unto his Majestie that if it shall please his Majestie to sett open the Trade of Spanish Tobacco and to injoyne all the Virginia and Bermudos Tobacco to bee broughte into this Kingdome and to paye the Impost or increase of subsidy of vi *d.* per pound for Virginia and Bermudos tobacco And the Impost of xviii *d.* per pound for all other sortes of tobacco, And for all such Virginia and Bermudos Tobacco as shalbee shipped out againe and not vented in this Kingdome, to Allowe unto them that imported the said tobacco iii *d.* per pound for all they shall exporte, And to take the same for seaven yeares uppon such condicions as by Councell shalbee agreed one,

In consideracion wherof the said J.S. will give unto his Majestie 10,000 *li.* per annum to bee paid halfe yearly or within 40 dayes after each rente daye.

[*Endorsed.*:] Tobacco: 2 severall propositions.

L. PROPOSALS OF SIR NATHANIEL RICH.³⁹

A proposition for advancement of his Majestie's profit and good of the Plantacions of Virginia and the Summer Isles by settling the trade of Tobacco which is the comoditie by which they now cheifelye subsist.

First the plantations subsisting as yet by this comoditie of Tobacco it is necessarie that some provision bee made that the sale and vent thereof may bee continewd and that the price may be kept up at some such proportionable Rate as may yeald the adventurers and planters reasonable profit.

And as it is necessarie for the good of the plantacions soe likewise his Majesties profit is carefullie to bee regarded whose casuall Renewew by this comoditie hath binne increased at least eight or ten thousand poundes per Annum and may hereafter bee much more. But if some tymelie provision bee not made both his Majesties Renewew wilbee lost and the plantacions (especiallie that of the Summer Isles) in daunger to be utterlie ruyned. For

I. The quantitie of Tobacco (by reason of the late excessive planting thereof in the West Indies and in the new plantacions of Guyana and Brazill) is like to bee so greate that all theis partes of Christendome wilbee glutted with it, and the price of Tobacco brought soe lowe that in probabilitie it will not bee worth so much a pound as his Majestie hath now for Custome.

³⁹ No. 6178. Sir Nathaniel Rich (1585?-1636), a relative and supporter of Lord Warwick and opponent of Sandys and the Ferrars, was a member of the Virginia, Somers Islands, Providence Island, and East India companies and of the Council for New England, and a patentee of Saybrook. The document is not the same as Miss Kingsbury's no. 411 (*Records*, I. 165), Manchester Papers nos. 312, 313; Hist. MSS. Comm., *Eighth Report*, part II., p. 38.

2. The Tobacco of those countries though not in wholesomenes yet in strength, tast and estimacion, doth so farre excell oures of the English plantacions that if in his Majestie's dominions wee cannot find sale for it other tobacco will yeald nothing at all.

Therefore for the setling and advancement both of his Majestie's yearelie Revenewe and the good of the plantations in Virginia and the Summer Islands (which are amongst others most memorable workes of his Majestie's happie government),

It is propounded etc.

That as the French kinge hath the Gabell of salt in Fraunce and the king of Spaine the sole marchandize both of peppar and even of this particular comoditie of Tobacco in Spaine, soe it would please his most excellent Majestie our soveraigne to take the sole preemption of all the Tobacco of the English plantacions in Virginia and the Summer Islandes alloweing the Adventurers and Planters within some convenient tyme after they shall deliver it at the Port of London 2 s. a pound for the worser sorte (so that it be marchantable) 2 s. 6 d. for the midle sorte and 3 s. a pound for the best, cleare of charge, of freight Custome and Impost; This will give full and universall content to the Planters and Adventurers who must needes acknowledge it a worke of great grace and princelie wisdomes in his Majestie so to provide for them that they shalbee in better case then ever they were.

And for secureing his Majestie's yearelie profit it may bee managed thus.

Some able men may bee conferred withall who will become the king's marchants for this comoditie and allowe his Majestie double the proporcion which his Majestie payes for this Tobacco,⁴⁰ so that the quantitie exceede not 400 Thousand wight which is as much as the plantacions wilbee able to afforde, and theis kingdomes of England and Ireland doe usuallie vent. Thus will his Majesties Revenewe by the comoditie bee raised to 40 if not to 50 Thousand poundes per Annum certaine, and his Majestie not one penny out of purse.

And for Incouragement of theis marchauntes it is propounded that they may have the sole power to lycence the retaileing of this comoditie, And so for their owne securitie may agree with a convenient number in everie Cittie Towne and great parish to buy a yearelie proporcion of this Tobacco at such rates as the said marchauntes may bee reasonable Gayners and such quantities as the king's marchants shalbe sure to have the whole comoditie taken from them and dispersed into many handes which is verie feasible for if none may sell or retaile tobacco but such as shalbe lycenced by the kinges marchauntes they will find rather too many then too few that will in this kind deale with them.

And by this proposition

1. The king's profit wilbee exceedinglie increased.

2. His Majestie even in that respect besides his owne gracious disposicion deeplie ingaged in the welfare and prosperitie of those plantacions that alreadie even by one comoditie afford him such a large revenewe.

⁴⁰ "Or," says a note in the margin, "if merchantes will not undertake so great a bargain then may it be managed by some Commissioners wholly for his Majestie's benefitt which will much more increase the King's proffitt."

3. The excessive stealeing in of forreine tobacco into this kingdome wilbee hereby avoided and the charge of strict search for it in the portes saved. For everie retailor will in this case bee an informer because it will hinder both his owne and his fellowes profit. And for their better Incouragement they may have the moyitie of all such tobacco as they shall discover so to be stollen in.

4. It will tend to the generall good of this kingdome by restrayneing the excessive Expence of Bullion which was wont to be layd out in forreine partes for this comoditie to the great diminucion of the Threasure of this kingdome. As also by mantayneing a trade and commerce betweene theis kingdomes and those new acquired countries of Virginia and the Summer Islandes and that without money which is worthie of observacion for wee returne not money but our owne Native Comodities of Cloth, wollen stuffes, Tynne, Leade, Leather etc. for the goodes which wee receive from thence, and if it bee ordered so that the last price of the best Tobacco exceede not ten or eleven shillings as it very well may then doth the subject also buy it at a better rate then ever he hath done heretofore.

5. Lastlie the Propounder of this Course prayes it may be considered that hee onelie aymes herein at publique good as may appeare by all the reasons alledged professing that he sees no wrong or inconvenience that can happen to anie man hereby but conceives that this being a superfluous weede and fit to be regulated, all discreete and indifferent men wilbe so farre from excepting against it as they will rather thinke it a matter of great grace and prudence in his Majestie to prevent the former mischeife and thus to order a superfluitie to so good, just, honorable and publique endes.

[*Endorsed in the hand of the Lord Treasurer.*] Sir Nathaniell Rich, Virginia and Burmootheres.

LI. ARGUMENT AGAINST THE CONTRACT, [MARCH 20, 1623].⁴¹

Sundry reasons against the Contract and Joynt stocke of the Virginia and Summer Islandes Tobacco.

1. The Contract besides Custome and Charges is to yeald his Majestie one third part of the goodes in kind, which third part (by reason the condition of this yeares Tobacco falles out to bee meane and litle worth) will disappoint his Majestie in point of profit And the other two thirdes being of like bad condition (all Charges deducted) there wilbee litle or nothing remayneing for the Adventurers and Planters.

2. The great quantitie and meane condicion of the Virginia and Summer Ilands Tobacco is such as for the most part it must bee exported at easie rates into Turkie Barbarie and other forreine partes which by the charge of this Contract is impossible without great damage and losse to the owners.

⁴¹ No. 6163, marked "No. 9" in red ink. It is an additional copy of the document in the Public Record Office (C. O. 1: 3, no. 10) which figures as no. 424 in Miss Kingsbury's list (*Records*, I. 165) and bears date of Mar. 20, 1623. Mr. Sainsbury, *Cal. St. P. Col.*, I. 59, wrongly gave this P. R. O. document the date Mar. 20, 1624. There is a transcript of it in the New York Public Library, Bancroft Papers, II. 413-429.

3. The heaieve charge laid upon Tobacco by this contract will occasion the transportacion thereof from the Plantacions into forreine partes and not into England whereby his Majestie wilbe a great looser and the Companie much damnified, nay it is to bee feared that the people in the Summer Islands will grow altogether idle haveing nothing else to raise profit by, and then povertie and want may drive them to revolte and so his Majestie loose the strongest knowne forte in the Christian world tending both to the safetie of this kingdome, and acquisition of that other of Virginia to the which it serves in stead of an impregnable fort.

4. No such contract as this can bee made but by the joynt consent of all the Adventurers and Planters whereof not one of ten have given their consent and manie of those that consented conceived themselves inforct unto it, but being since better acquainted with his Majesties most free and gracious intencion do now humblie declare their disassent thereunto conceiving that this Contract cannot be proceeded in without extreame Injustice and forfeiture of our Charters by which wee are to governe our affaires according to the lawes of England that doe not allowe the good subject to bee dispossessed of his goodes without his consent, And wee doe humblie pray that the act of a few and such as are least interested in point of charge, and therefore doe not feele the waight of the burthen which they lay upon other men may not prejudice the whole companie.

5. The rate for exporteing of people to the plantacion was wont to bee five or sixe pound a head to bee paid in Tobacco but by this contract the rate will growe to be 10 or 12 *l.* at least, The Owners forecasting that the Tobacco which they shall take for freight of the passengers wilbee more then twice dearer unto them then in former times, and so by that meanes will extreamelie hinder the peopling of the Plantacions when passengers cannot but at such extreame rates bee transported thither.

6. The sole importacion of Spanish Tobacco is a part and cheife consideration of this contract by which importacion not the Companies but private men that make the stocke⁴² shall receive the benifit, and therefore noe cause why in that respect the goodes of the Adventurers and planters should be charged by this contract.

7. It is a thing of great daunger and hazard for particuler men's estates to bee ingaged to his Majestie by the seales of the companie for the performance of so great a contract which may breed question and lie as a perpetuall charge and Incumbrance upon the persons goodes and landes of them and their heires that are free of these companies, yea although they never received one penny benifit by their freedome.

8. A single planter doth raise at the most but 30 pound wight of tobacco in the Summer Islandes in one yeare for his owne part, whereof one third by the contract is to goe to his Majestie, another third in ordinary charges besides sallary, and so restes scarce ten pound wight to the poore labourer, not worth in all above 1 *l.* 5 *s.* for his whole yeares paynes, and even out of this 25 *s.* being the labour of a whole yeare hee is by the contract to allow double salarie⁴³ which may take away all the

⁴² *I.e.*, subscribe to the joint stock for the purpose. If the company had received the contract, it would have created a subordinate organization or joint stock to manage the importations of Spanish tobacco, and another for the Virginian and Bermudan.

⁴³ The salaries voted by the companies, for management under the contract (*Records*, II. 150-152, Nov. 27, 1622), were thereafter a constant subject of complaint on the part of the dissatisfied minority.

rest, and leave him nothing at all; And the Adventurers are in the same case, soe as apparentlie the plantacion wilbee overthrowne if this Contract doe proceed.

Neither will the monopolizeing of Tobacco into one hand anie waies better this bargaine but rather make it worse for

1. If by that meanes they suppose to raise the price and to sell it dearer that wilbe the next way to cause such an ymportation by stealth (as was seene in pepper when the like course was taken)⁴⁴ as that our Tobacco will lie unvented till it rott and perish, and the charge of keeping the portes to prevent it wilbee in likelihood more then the goodes are worth.

2. It were a dangerous president and never heard of that plurality of voyces should conclude the goodes of other men without their consent to bee put into a Joynt stocke at the comeing home of the shipp whereas the Adventure outward was by particuler men not in Joynt stocke, which if it shalbe admitted to take place wilbe the utter ruine and destruction of all trade and commerce.

3. It occasions a strange charge of a yearelie stipend or salarie to Officers to mannage this Joynt stocke which the Companies are not able to beare and yet by votes of such as are least interested and of those men themselves who are to receive it was caried by pluralitie of voyces.

4. By this meanes his Majestie wilbee charged with 8 or 900 *li.* per annum certaine for his third part of this salarie⁴⁵ and how much more we know not so that perhaps his Majestie's charge wilbee more then his whole third part of this meane Tobacco will come unto.

5. It hinders the poore people from trucking away their Tobacco for comodities by which heretofore they have relieved themselves and made a greater benifit then ever they could doe by selling for in readie money.

6. It bereaves both Planters and Owners of present meanes to supplie their shares seeing they must attend the sale and accompt of the Joynt stocke.

7. It subjectes them to great hazard by ill debtes.

8. It involves them in intricate accomptes and is like to occasion infinite suites and contencions and will breede much confusion in the sale of their goodes, for in this comoditie one man's parcell of Tobacco is much better then another and either it must be sold with theires of lesse value and soe a losse to the owner and generall discouragement to make their tobacco good or else if everie man's bee kept apart wee must rest upon the goodwill of the Agentes when this or that man's parcell shalbee sold.

9. The experience of the losses and inconveniences which have growne by all other joynt stockes is sufficient to deterre men from this course, and we hope his Majestie will not permitt that anie man shall be forced to it whether he will or noe.

Wee conceive this busines wilbee better mannaged if it will please his Majestie to limit the importacion of Spanish Tobacco to a reasonable proporcion as alreadie he hath done and to graunt the farme thereof to whom his Majestie shall please for his owne best benifit, and then (reserving onelie that proportion of Spanish Tobacco) to inhibit the im-

⁴⁴ In 1609 a monopoly of the importation of pepper was granted to the East India Company. W. R. Scott, *Joint-Stock Companies*, I. 140, quoting the court records of the company.

⁴⁵ The proposed salaries amounted in the aggregate to £2500.

portacion of all other save that which shalbee brought in from theis plantations and that everie Adventurer and Planter may receive and dispose of his owne goodes for his best advantage. And wee shall humblie submit ourselves to his Majestie's gracious pleasure for such a custome to bee layd upon other goodes as may incourage all the Planters and Owners to import all the Tobacco that shalbee made both in Virginia and the Summer Islandes into this Realme of England and not otherwise; which as it would increase and advance the plantacions, so the quantities that wilbee brought in wilbee soe greate that wee conceive his Majesties yearelie profit wilbee much greater this way then the other how specious so ever, and it is hoped it will prosper much better because it wilbee accompanied with the willing and heartie affections of those that pay it.

And wee humblie pray that in the layeing on of this custome his Majestie will have a speciall regard to ease the Tobacco of the Summer Islands.

1. Because it is a place of great importance and therefore very behoovefull to give that colony content and to provide for their supplies.

2. This poore plantacion hath had no helpes of Lotteries, Collections and other assistances as that of Virginia hath had.

3. Because the tobacco of the Summer Islandes generallie is of a meaner sorte then that of Virginia and this yeare so bad that it is little-worth.

4. By his Majesties letters patentes they are to pay but 5 *l.* per C. for all charges whatsoever.⁴⁶

5. Because it is rather a forte then a country able to produce staple comodities as that of Virginia and so hath no other meanes but by this poore weede to subsist.

6. Because those of the Summer Islandes company that are to beare the burthen of this charge are very few and noe meanes to maintaine their publike charge of those Islandes but out of their purses which everie yeare costes them manie Thousand poundes; and yet they are comforted with the assurance of his Majestie's gracious respect for their good service in acquireing and mantayneing a place of soe great consequence without anie charge to his Majestie though to the great prejudice and undooeing of some of their owne particuler fortunes unlesse his Majestie take a speciall regard of them there being twentie of them that at least are out of their purses Twentie thousand poundes in this plantation.

[*Endorsed.*] Reasons against the contract.

LII. ARGUMENT AGAINST THE COMPANY'S ARRANGEMENTS.⁴⁷

Propositions considerable⁴⁸ for the equall mananginge of the Contract with his Majestie concerninge the sole importacion of Tobacco graunted to the twoe Companies of Virginia and the Sumer Islands.

⁴⁶ The patent of 1615 for the Somers Islands Company (text in Lefroy, *Memorials of the Bermudas*, I. 93) exempted the patentees from all payment of customs except, after seven years, five per cent. on goods imported into or exported out of England, and, after 21 years, on other goods.

⁴⁷ No. 6190.

⁴⁸ *I.e.*, deserving to be considered.

1. First that the agentes whoe undertake the mannageinge of this busines and are to be payd for their labour, doe give good securitye to free the companyes and the goodes of every particuler adventurer from that Covenant with his Majestie for bringinge in of 80,000 weight of Varinus tobaccoe in three yeares inasmuch as not the companyes but themselves that underwright the Spanish stocke shall have the benefit thereof.

2. What satisfaction they will give to the Virginia Planters or to our Sumer Islandes Tenantes for their Tobaccoe, which they shall send or bringe hither for price and payment.

3. What ordinary rate they will impose upon the Sumer Islandes Tobaccoe for defrayinge the 25 C. *li*.⁴⁹ salery and what rate in such accidentall cases as may fall out namely if noe Spanish tobacco (or but little) shall be brought in, or that the greatest part of Virginia shall be directed to other partes, or in case the Sumer Islandes tobacco when it cometh shall be all sould together, or the kinge's parte only, by the candle⁵⁰ without anie charge or labour of theirs.

4. What order they will take to free the Adventurers of disbursments for custome freight and publique charges before they take our goodes unto their possession.

5. What securitie they will give to performe the promisses and to give a just accompt of the sales and of the proceed thereof to his Majestie and to thadventurers, and when to make payment.

6. For that the contracte is but conditionally agreed upon in Courte to contynue if the proclamacion shall be published by Midsomer next,⁵¹ whoe shall (when the contracte fayleth) defray the great Rent of 160 *l*. per annum for the directors great house intended to be taken⁵² and the greate saleryes, howe and in what proporcion and howe shall his Majestie then have his due and every man his owne proper goodes delivered backe againe.

7. To expayne themselves whether out of 25 C. *l*. salery (whereof they say his Majestie is to pay a third parte) they meane to defray all charges or whether they intend to put to accompt over and above the Charges of Porters, Carrmen, Coopers, Wharfage Waiters, Searchers, suites of lawe, shrinckinge in weight, desperate debtes and such like.

8. As the greate quantitie and meane condicion of the Virginia and Sumer Islandes tobacco is not fittinge for the vent and expence of this kingdome, but for the most at easy rates must be exported, soe the greate enhancement of price by thirds taken out and excessive charges put upon will make it altogether impossible to be exported and therefore to be considred howe to cleare this difficulty soe that profit may come to thadventurers and Planters.

9. The sallery men⁵³ for the most parte to be excepted against some of them for want of skill, some want of estate, some of them noe way in-

⁴⁹ £2500.

⁵⁰ By "auction by inch of candle", wherein a bit of candle was lighted, and the goods went to him who made the highest bid before the wick fell.

⁵¹ Rather, June 20; see notes 14 and 15, above. Midsummer was June 24.

⁵² Nov. 27, 1622, £180 was voted for a house and warehouses. *Records*, II.

151, 153.

⁵³ The officers and committeemen chosen on the same occasion. *Ibid.*, II. 154, 155.

teressed, and other contynually maynteyninge and raysinge quarrells and bitter contencions against sundry good Adventurers whose goodes must come to their handes and possession to be disposed, Against which sundry of the Adventurers doe protest asto men unfitt to mannage theis affayres. [*Endorsed:*] The busines of Tobacco with the Virginia and Somer Ilandes companie.

LIII. REPLY TO THE PRECEDING.⁵⁴

An Aunswere to the Propositions exhibited to the Right Hon'ble the Lord High Treasuror of England for the equall menaginge of the Contract with his Majestie concerninge the sole Importation of Tobacco etc.

It is first to be observed, that the Contract hath beene ratified by Six Quarter Courts; vizt. three of each Companie:⁵⁵ noe one man at the question declaring his dissent, save onely the Deputy, and that in the first Court onely.

It is also to be observed that the Rayzers of troubles in the Courts namely Mr. Wrote⁵⁶ and his abettors, though their pretences have beene agaynst the Sallaries and the mannor of Importacion of Spanish Tobacco: yet in the heate of their oposicions, their speeches and reasons have all-ways reflected upon the body of the Contract itselfe, which being contrarie to all order hath much disfasted the Companies.

And it is nowe to be observed that these Propounders though their pretence in their wrighting be for the equall menaginge of the Contract, And although they have often in the courts very solemnly protested and vowed, that they were not against the Contract itselfe, yet when they came before the Lord Treasuror, they dismasked themselves, and unanimously professed that they were against the very body of the contract: which sheweth, that these Articles can be noe other then Cavills, seeing their pretence is one way, and their intent another way.

And before wee come to the answering of the perticuler Articles, wee are inforced to take excepcions unto the manner of propounding them. For it is necessarie to be knowne, that the Counsell, Comittees and Companies having first concluded on the Offices necessarie for the menaging of this Contract, as also of their rewardes by way of Sallarie (according to the fifte Article of the Contract): The Officers themselves were lastly chosen in both the Courts:⁵⁷ and the burthen was imposed upon the chiefe of them, in a free and unanimous eleccion, contrary to their most earnest and often iterated desires.

It is also further to be knowne, that by reason of these troubles, both the chiefe Officers and divers of the Comittees having voluntarily surrendred their places, and greatly importuned the Courts, to accept of their Surrenders; yet the same have beene refused, and they continued in their offices, much contrary to their wills, and most earnest suits,⁵⁸

⁵⁴ No. 6167, marked "No. 13" in red ink. A reply to no. LII., of date previous to April, 1622.

⁵⁵ The Virginia Company's meetings of July 3 and Nov. 27, 1622, and Feb. 12, 1623 (*Records*, II. 85, 148, 266); the Somers Islands Company's meetings of July 10, Nov. 27, and Feb. 12 (*ibid.*, II. 97, 157, 273).

⁵⁶ Samuel Wrote, cousin german to Middlesex; see the *Records*, II., *passim*.

⁵⁷ *Ibid.*, II. 155.

⁵⁸ *Ibid.*, II. 223, 273.

whereas contrariwise these Articles are propounded in that manner, as though the Officers had bin ambitious of this imployment, and consequently were to undertake it with all indignities. Then which noething can be more untrue and unjust.

1. To the first Article it is answered, that the matter therein conteyned is allready regulated in the Quarter Courts of bothe the Companies. And that the Officers or Agents of the companies have noe more to doe in the bringing in of the Varinaes Tobacco, then any other perticuler member that liste to adventure his stock therein: By which order of the said Quarter Courts, it is declared that the perticuler Adventurers for the said Varinaes Tobacco are to bring in the proporcion expressed by the Contract: the Bodies of the Companies bearing a tenth part with them.⁵⁹ But in case of any misfortune by losse of their Tobacco without the default of the said Adventurers, they are not to be farther charged also with restitution or recompence: but the same is to rest upon the whole body of the Companies, and consequently to be answered out of the Companies publique Stocks: and if these should not suffice, then out of the Stocks of the Generall Adventurers returned from the Plantations, as heretofore in like cases had beene usually done.

2. In the second Article, the Question is likewise resolved by bothe the Quarter Courts; vizt. that generally the Adventurers and Planters, both for price and payment, are to goe in equall lines: Neither of which are to be ordered or concluded by the officers, but by the Generall Courts themselves; the matter being first seriously debated and prepared by the Comittees. And in favour of the poorer sorte of Planters, there have beene divers other wayes devised and resolved upon, by the generall consent of bothe the Courts; both for the advancing of their prices, and expediting of their payments.

3. To the third Article it is answered, that it is grounded wholly upon errors. An error it is, to conceive that the rating of charges, is in the power of the Officers: being reserved (as all other important matters) to the Generall Courts. An error it is, to thinke, that the labour of the Officers, consisteth wholly or chiefly in the matter of Sale: the well menaging of the Contract extending itselife in the difficulties thereof to a much larger Compasse. And lastly it is an error and misinformation, to say that the Salaries amount unto five and twenty hundred poundes: whereas they come but to Seaventeene hundred poundes.⁶⁰ But to the matter itselife of this article, the answeare is not difficult. For the charges to be imposed wilbe lighter or heavier according to the proporcion greater or lesser of Tobacco to be brought in, and that with this comfort both to Adventurers and Planters that the greatnes of the quantity will diminishe the perticuler charge; and the smallnes of the quantity will enhance the generall price.

But whereas there is mencion made of the selling the Tobacco together, it is to be observed that the course thereof lately propounded, by these Objectors, is subject to Fraude and much wrong both to the Kinge and Companies: vizt. that certaine Undertakers, being members of the Companies, should rayse a greate Stock in money, to buy of all the Tobacco by way of whole Sale. For considering the courts in the vacations are often times very thinne, and the Somer Ilandes Court by the

⁵⁹ *Records*, II. 156, 163.

⁶⁰ After deduction of the king's third.

Letters Pattents may consiste of Eighte persons onely: ⁶¹ these Undertakers may easily attayne to be the greater parte of the Courts, and consequently may be both Buyers and Sellers at the same time. A feare not causeles, but grounded on former experience; whereby some of these Objectors have made themselves rich, by the great losse and detriment of the Adventurers and Companies.

To the 4th Article the answer is, that the Court have already ordered that the Custome and freight shalbe discharged by the Officers, who are to be secured from damage by the goodes in their custody.

5. To the 5 article it is likewise answered that the Courts with Generall consent (onely one dissenting) have taken full order for security both of goodes and money: which orders have beene read before the Lord Treasuror, and wee suppose they are more exquisite for caution on all sides, then are used in anie other Company whatsoever, as at the making of them was openly acknowledged.⁶² The perticularities whereof are to long to be here sett downe: but are ready to be shewen to any that shall desire to see them. Whereunto wee may add a strict oath, which is to be administred to all the Officers of what degree soever, for just and equall dealing, both in keeping, preserving, selling and accompting for the goodes; as also in making the paymnts at such time as they shall growe due wherein the Officers also from time to time are to be directed by the Courts.

6. To the Sixte Article, it is answered, that by vertue of the Contract, the Proclamation mencioned was presently to come forth. But upon mocion from the Lord Treasuror, the Companies have consented, that it may be forborne till the Twentieth of June: at which time the Lord Treasuror hath promised that it shalbe published. Of the performance of whose promise, though the Propounder here seeme to make soe great doubt; yet the Companies will make none at all: and therefore hold it unfitt to follow the Propounders stepps any further; in which it seemeth that jealousy hath outrun their duety.

7. To the Seaventh it is answered that the Officers are to be accomptable for all charges, if five and twenty hundreth poundes will serve, the remayne is to be restored. If more be necessary, that which wants must agayne be leavied. That the Officers out of their owne estates, should beare those uncertaine burthens, of desperate debts, suits in lawe, shrinkage and the like, is soe farr not onely from Equitie, but from all ordinarie reason, that they hope the Propounders themselves upon better consideracion will retract the Question.

8. To the Eighte Article it is answered, that the case of meane Tobacco is much more difficult without this Contract, then with or under it. For the Twelve pence on the pound amounted to much more then the vallue of one entire halfe, not onely of the meaner, but also of the middle sort thereof as experience hath shewed.

9. To the Ninth Article, which layeth aspersions on the Officers' persons, the Answer is plaine. The two chiefe Officers were chosen by the Ballating box with 65 votes for them, and not above five against

⁶¹ Seven; patent, Lefroy, I. 89. But this was true of the ordinary courts only, not of the quarterly courts.

⁶² See *Records*, II. 284-288.

them.⁶³ The Eighte Comittees⁶⁴ were chosen by ereccion of handes out of the number of Sixteene, named by the Courts to stand for the places: In which number of Sixteene, were divers of these objectors. The Companies made choise of them whome by experience they knewe to love the Plantations, and were fitt for the diversity of employments incident to this busines: some of them being Merchantes, some Retaylors, some skilfull in the Portes, and others such as by long continuance and attendance in the Courtes, were skilfull in the affaires of the Companies and Plantacions and withall large Adventurers. Of which Eighte, six have beene yearely chosen Comittees and Assistants for these Three yeares last past; neither any just excepcion can be taken to any of them by mindes unpossessed with partiallity or mallice, neither are the companies to be blamed in this or other their eleccions, if they have rather made choise to entrust their Goodes in the hands of men untainted for integritie and honesty, then in theires, whose wisdome hath beene for their owne perticular benefitt, who in their former menagements of Tobacco have reduced Seaven thowsand poundes sterling to Fower thowsand poundes,⁶⁵ and who never yet gave up any faire account of the Companie's goodes.

[*Endorsed.*] Aunswere to certen Propositions exhibited to the Lord Treasurer concerning the Contract.

LIV. DRAFT OF LORD TREASURER'S WARRANT FOR THE COLLECTION OF DUTIES,
MARCH 25, 1623.⁶⁶

After my harty comandacions, Wheras I understand there is a ship lately arryved within the porte of London from the Bermudos or Somer-Ilands wherof for the most parte hir ladeinge is Tobacco, and for that I have binn informed that you have made stay of passinge the Tobacco in regard of the pretence of a contracte with the Company of Bermudos and Virginia for the Importacion of Tobacco, beinge intended upon his Majestie's parte for the benefitt and good of the said companyes, which *uppon debate of the Councell Boarde* beinge ther amply argued and heard before the Lordes of his Majesties Privie Councell is conceived to bee rather prejudiciall unto the Companyes if the said contracte should goe forward, in consideracion wherof his Majestie is graciously pleased that you suffer the said tobacco to bee delivered unto the severall proprietors therof they payinge unto his Majestie's farmers of the customes

⁶³ On Nov. 27, 1622, Sandys was chosen director of operations under the contract, by 65 ballots against 5, John Ferrar treasurer and deputy director, by 68 votes against 2. *Records*, II. 154.

⁶⁴ In modern language, committeemen.

⁶⁵ See *Records*, II. 315.

⁶⁶ No. 6165, marked "No. 11" in red ink. The portions printed in italics are interlineations in the handwriting of the Lord Treasurer. Another copy or draft is no. 426 in Miss Kingsbury's list (*Records*, I. 166), dated Mar. 27; Manchester Papers, no. 293, Hist. MSS. Comm., *Eighth Report*, pt. II., p. 37. In either case the document gives an early date to the determination of the Privy Council to abandon the contract, their first positive decree to that effect being apparently of Apr. 28; *Acts P. C. Col.*, I. 61. For the company's view of the final proceedings about the contract, see "The Discourse of the Old Company" in L. G. Tyler, *Narratives of Early Virginia*, pp. 448-450.

three pence per pound for the subsidy which the said farmers are contented to accepte of *without demandinge any defalcation from the King, And it is resolved by the Lordes of the Councell and so promised by many of the Company both of Virginia and Bermuthos that they will hence forward [bring] all the Tobacco exported from Virginia and Bermudos into his Majesties dominions, And for the impost or increase of subsidy you receive unto his Majestie's use for all the said Virginia and Bermudos Tobacco belonginge unto any Planter or free brother of the said companies sixe pence per pound redy monye* beeing the rate formerly agreed on, And for all such Virginia and Bermudos Tobacco which shall not belonge unto any Planter or free brother of the said Companies the usuall impost of eighteen pence per pound *redy [money]* due uppon Tobacco as hath bine formerly used. And this shalbe a sufficient Warrant unto you *for the present untill further order shalbe given* for the same. Chelsey this 25th. of March 1623.

Your very loving freind

To my very loving friendes the officers and farmers of his Majesties customes and to Abraham Jacob and Jo. Jacob⁶⁷ Collectors of the impost and increase of subsidye uppon tobacco.

[*Endorsed:*] Warrant for to receive iii *d.* per pound for the subsidy of Virginia and Bermudos Tobacco and vi *d.* per pound for the impost or increase of subsidy of the same Tobaccoe.

LV. SUGGESTIONS FOR LETTERS TO THE COLONISTS, [APRIL 21, 1623].⁶⁸

A memoriall of some thinges which it may please the lords to insert in their lordships' letters to Virginia and the Summer Isles.

1. That the late contract is upon full heareing before their lordships dissolved as that which was verie prejudiciall to the plantations, a copie of which contract togeather with the reasons that were in writeinge delivered against it, it may please their lordships to send them.

2. That his Majestie out of his princelie care of their good is content that no tobacco shalbee brought into England or Ireland but such as shalbee imported from the plantacions in Virginia and the Summer Isles except onelie fourtie Thousand weight yearelie of Spanish Tobacco (and that but for a time) if they will give for it as others will.

3. That to this greate and extraordinarie favour his Majestie requires

⁶⁷ For Abraham and John Jacob, see pp. 522-524, 528, and notes 99, 102, 115. "Here Sir Edward [Coke] observed, that [Abraham] Jacob was my Lord's necessary Creature and petty chapman, and had a Son that was his Secretary; and because he was a Jacob, that is, a Supplanter, he desired their Lordships to take good care of him." *Old Parl. Hist.*, VI. 144.

⁶⁸ No. 6177. Another copy is no. 471 in Miss Kingsbury's list (*Records*, I. 171), bearing the date Apr. 21, 1623, and the endorsement, in the handwriting of Sir Nathaniel Rich, "deliv. by me to the L. Treas." Manchester Papers, no. 335, Hist. MSS. Comm., *Eighth Report*, part II., p. 41. In a meeting of the company on Apr. 17, Lord Cavendish reports orders of the Privy Council to prepare such letters; both companies prepared them, Apr. 18, but the lords did not approve of their drafts. *Records*, II. 365, 368; *Acts P. C. Col.*, I. 61. A letter sent May 2 is in Neill, *Virginia Company of London*, pp. 391-394.

that all the tobacco which shalbee exported from the said plantations shalbee brought into England, a thing which they themselves have seemed heretofore to desire, and will now bee most beneficiall unto them in regard that all forreyne marketes wilbee glutted with excessive quantities of Tobacco liklie to bee brought from the new plantacions in Brazille, Guyana and other places which is of a farre better sort then that which comes from the English colonies and yet wilbee afforded at lesse then halfe the price that the English Tobacco hath heretofore binne usuallie sold for, so that unles his Majestie in his greate grace and wisdom should provide for the venting of this their comoditie within his owne dominions they should not bee able to make anie thing at all of it in anie other place, and therefore to advise them to call a generall Assemblie and by comon consent to cause an Act to be made to that purpose.⁶⁹

4. That his Majesties great grace did not stay here but that even beyond hope and expectacion his Majestie is pleased to be so farre from laying a greater burthen upon them in regard of this his princelie graunt unto theis companies, that hee hath voluntarilie condiscended to abate 3 *d.* of the 12 *d.* for Custome and Impost which they payd heretofore: So that in Summ, his Majestie grauntes the sole importacion, and instead of a retribution for it, is content to suffer a diminucion of what was formerlie payed.

5. That this his Majestie's singuler favour is yet enlarged for that, whereas hee hath heard of manie greevances and Inconveniences which have hindred the growth of theis Plantacions hee hath appointed choise and able Commissioners to examyne and inquire particulerlie into them,⁷⁰ to thend that all hindrances of this worthie worke being removed it might hereafter thrive and prosper.

6. To which the Collonies are to bee admonished to afford their utmost indevours by leaveing the immoderate plantinge of Tobacco and applying themselves to more staple commodities and in particuler to recomend unto them the care of nourishinge and increasing their silke-wormes.

7. That they bee carefull to choose the most comodious places of abode for health and safetie and that they plant themselves soe as they may afford mutuall helpe and strength each to other both against intestine and forraigne enimies.

8. And that his Majestie may bee the more throughlie informed what is the true estate of the plantacions at this present therefore to require them upon their dutie and allegiance by the first shipp to retourne (together with their answeare to this letter) a perfect Catalogue of the names of all the Englishmen women and children resideinge in the country the age, condition, imployment and places of abode of everie of them, as also what houses or townes are at this tyme remayneinge, what Ordnance are mounted at the tyme of this shipp's arrivall, what publike workes, (as Churches, Guest-houses, Bridges, forks, or the like) are now remayneing or have binne heretofore erected, and now demolished, Also what number of English cattle there are which at their pleasure they may have use of, and what otherwise: Also what store of corne and other

⁶⁹ The act, if passed, seems not to be extant.

⁷⁰ The commission resolved upon by the Privy Council on Apr. 17, 1623, and issued that day. *Acts P. C. Col.*, I. 58-60; Lefroy, *Memorials of the Bermudas*, I. 289-290; *Cal. S. P. Col.*, I. 44.

victuall the Collonies in Virginia are furnished with, and what is the price for which the said catle, corne and other provisions are usuallie sold for and especiallie of late since the last massacre, What number of persons may (this or the next yeare) be convenientlie sent from hence to supplie the colonies and entertaigned there with convenient lodgeing [and] dyet upon their arrivall for some reasonable time, till they may build and plant for themselves; and generallie as they will answeare to God and the Kinges most excellent majestie both of theis and all other particulers tending to a true description of the state and condition of the said plantacions faithfullie to informe their lordships that accordinglie they may advise them for their future safetie and prosperitie which is the onelie thing intended by his Majestie and their Lordships to whom if upon this Intimation they shall not declare the whole truth fullie and reallie all partialitie and affection whatsoever set aside they must expect a just punnishment of so high an offence and themselves shalbe judged as causes of all ensuing mischeifes.

9. Lastlie to admonish them to persist and increase in the true and frequent worshipp of Almightye God, in love and unitie amongst themselves and in couragious and industrious performance of their particular Employmentes.

LVI. ATTORNEY GENERAL COVENTRY TO MIDDLESEX, JULY 31, 1623.⁷¹

May it please your lordshipp

Mr. Sollicitor⁷² and myself having agreed on a certificate concerning the busines of Verginia I have as you appoynted me sent it to your lordshipp that your lordshipp may att such conveniency as may best sewt with his Majestie's service cause it to be presented to his Majestie, And so I humblie rest

Att your lordshipp's comandement
THOMAS COVENTRYE.

INNER TEMPLE

31 July, 1623.

[*Endorsed by Willis:*] Mr. Attorney to my lord touching the Certificate for the Virginia Governement.

[*Addressed:*] To the Right Honble. my very good lord the lord highe Treasurer of England.

⁷¹ No. 6198, holograph. Sir Thomas Coventry (1578-1640), attorney general 1621-1625, lord keeper 1625-1640. The letter which this covers, no. 551 in Miss Kingsbury's list (*Records*, I. 180), is printed in Brown, *First Republic*, pp. 547-549, with a new-style date.

⁷² Sir Robert Heath, solicitor general 1621-1625.

Addendum. An addition should have been made to note 70, under document XV., on p. 511, pointing out, on the evidence of that document, that its author, Capt. John Bargrave, must also have been the author of the plan for the government of Virginia, 1623, which we printed in April, 1914, *Am. Hist. Rev.*, XIX. 559-578.